

REMARKS/ARGUMENTS

Favorable consideration of this application, as presently amended, is respectfully requested.

Claims 1-3 are pending in this application. Claims 1-3 have been amended to better define that the claimed digital camera has a range finding sensor to measure a distance to an object (see page 5, lines 24-25, for example), an imaging device configured to receive an image of the object (note CCD 6, for example), and a focus lens configured to image the image of the object on the imaging device (see page 5, lines 14-15, for example). Claims 1-3 have been further amended to require that the first focusing system is configured to detect the focusing position by means of the imaging device and that the second focusing system is configured to detect the focusing position by means of the range finding sensor, see page 6, lines 12-22, for example. Accordingly, as there is clear specification support for these claim changes, no new matter has been introduced.

The outstanding Office Action presents an objection to Claim 3, a rejection of Claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Kinba et al. (U.S. Patent No. 5,597,999, Kinba) in view of Serizawa et al. (U.S. Patent No. 6,593,970, Serizawa), a rejection of Claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Kinba in view of Beutter et al. (U.S. Patent No. 6,533,721, Beutter), and a rejection of Claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Kinba in view of Malkin et al. (U.S. Patent No. 6,614,474, Malkin).

The outstanding objection to Claim 3 is believed to be obviated by the present amendment that corrects “settling” to read as --setting--. Accordingly, withdrawal of this objection is respectfully requested.

Turning to the outstanding rejection of Claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Kinba in view of Serizawa, the outstanding rejection of Claim 2 under 35

U.S.C. § 103(a) as being unpatentable over Kinba in view of Beutter, and the outstanding rejection of Claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Kinba in view of Malkin, these rejections are traversed as none of these references teaches or suggests that the digital camera be provided with a range finding sensor to measure a distance to an object and that the first focusing system is configured to detect the focusing position by means of the imaging device and that the second focusing system is configured to detect the focusing position by means of the range finding sensor.

Accordingly, as none of Kinba, Serizawa, Beutter, and Malkin, considered alone or together in any proper combination teaches or suggests all of the subject matter of Claims 1-3, there is no *prima facie* case of obviousness as to these claims. See MPEP §2143.03 noting that in order to establish a *prima facie* case of obviousness, it is required that all claim limitations be considered and demonstrated to be taught or suggested by the prior art.

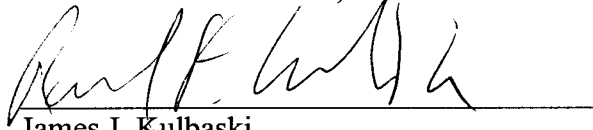
As the rejections are all improper, the withdrawal of the outstanding rejection of claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Kinba in view of Serizawa, the withdrawal of the outstanding rejection of claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Kinba in view of Beutter, and the withdrawal of the outstanding rejection of claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Kinba in view of Malkin are respectfully submitted to be in order.

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Reply to Office Action of 08/28/07

As no other issues are believed to remain outstanding relative to this application, it is believed to be clear that this application is in condition for formal allowance and an early and favorable action to this effect is, therefore, respectfully requested.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'James J. Kulbaski', is written over a horizontal line.

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